

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No.
)	11-00302-02-CR-W-DW
JAMES EDDY,)	
)	
Defendant.)	

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on January 30, 2013. Defendant James Eddy appeared in person and with appointed counsel Katrina Robertson. The United States of America appeared by Assistant United States Attorney Jalilah Otto.

I. BACKGROUND

On February 22, 2012, a superseding indictment was returned charging defendant with conspiracy to manufacture methamphetamine, in violation of 21 U.S.C. § 846; one count of possessing pseudoephedrine knowing it would be used to manufacture methamphetamine, in violation of 21 U.S.C. § 841(c)(2); and one count of possessing chlorine tablets knowing they would be used to manufacture methamphetamine, in violation of 21 U.S.C. §§ 843(a)(6) and (d)(2)(C). Co-defendant Bradley Frazier pled guilty on November 15, 2012; co-defendant Lorrie Dolan has been found not competent; co-defendant Megan Pauley pled guilty on May 24, 2012; co-defendant Dustin Nickell is set for a change-of-plea hearing on January 30, 2013.

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Ms. Otto announced that she and SAUSA Dan Royce will be the trial counsel for the government. The case agent to be seated at counsel table is Timothy Phipps, BATF Task Force.

Ms. Robertson announced that she will be the trial counsel for defendant James Eddy.

III. OUTSTANDING MOTIONS

There is currently pending for ruling by the district judge a motion in limine to exclude evidence of defendant's prior bad acts, filed by defendant on December 31, 2012 (document number 157).

IV. TRIAL WITNESSES

Ms. Otto announced that the government intends to call 12 witnesses without stipulations or 8 witnesses with stipulations during the trial.

Ms. Robertson announced that defendant James Eddy intends to call 3 witnesses during the trial. The defendant may testify.

V. TRIAL EXHIBITS

Ms. Otto announced that the government will offer approximately 15 to 20 exhibits in evidence during the trial.

Ms. Robertson announced that defendant James Eddy will offer approximately 19 exhibits in evidence during the trial.

VI. DEFENSES

Ms. Robertson announced that defendant James Eddy will rely on the defense of general denial.

VII. POSSIBLE DISPOSITION

Ms. Robertson stated this case may be for trial.

VIII. STIPULATIONS

Stipulations are likely as to records from pharmacies.

IX. TRIAL TIME

Counsel were in agreement that this case will take 2 1/2 to 3 days to try.

X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed May 18, 2012, counsel for each party file and serve a list of exhibits she intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by or before January 30, 2013;

That counsel for each party file and serve requested jury voir dire examination questions by or before Wednesday, February 6, 2013;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions¹ by or before Wednesday, February 6, 2013. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

¹ Counsel in all cases assigned to be tried before Chief Judge Fernando Gaitan, Jr., as reflected in the forthcoming trial letter, shall meet and prepare a packet of agreed proposed jury instructions to be submitted to Judge Gaitan and e-mailed to marylynn_shawver@mow.uscourts.gov and rhonda_enss@mow.uscourts.gov by Friday, February 8, 2013. To the extent there are disagreements to certain instructions, each attorney shall tab and submit his or her preference on those instructions. The instructions shall be listed in the order they are to be given.

XI. UNUSUAL QUESTIONS OF LAW

Motions in limine on the following issues will probably be filed: prior bad acts and admissibility of pharmacy logs. There are no unusual questions of law.

XII. TRIAL SETTING

All counsel and the defendants were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on February 11, 2013.

/s/ Robert E. Larsen

ROBERT E. LARSEN
U. S. Magistrate Judge

Kansas City, Missouri
January 30, 2013